

REMARKS/ARGUMENTS

The Office Action mailed August 23, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The 35 U.S.C. § 103 Rejection

Claims 1-36, 38-40, and 42-48 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Martinek et al. (WO 031045519) in view of Rackman (USP 4,670,857) among which Claims 1 and 26 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Martinek except that Martinek does not “disclose double encryption as claimed.” The Office Action further contends that “Rackman teaches doubly encrypting the message to insure both privacy and authentication” and that it would be obvious to one having ordinary skill in the art at the time of the invention to “modify Martinek with double encryption as taught by Rackman to insure both privacy and authentication.” The Applicants respectfully disagree for the reasons, among others, set forth below.

Claim 1 provides for the following feature:

“said controller being programmed to receive encrypted gaming data from said data storage device, said encrypted gaming data having been generated by performing a hash function on gaming data to form a first message digest and by doubly encrypting said first message digest utilizing a private encryption key of a

¹ M.P.E.P. § 2143.

gaming data authorizing organization and a private encryption key of a gaming regulatory organization;

said controller being programmed to doubly decrypt said encrypted gaming data utilizing a public encryption key of said gaming data authoring organization and a public encryption key of said gaming regulatory organization to form a decrypted message digest”

Claim 26 provides for similar features. Thus, the gaming data is encrypted using two private encryption keys, one from a gaming data authorization organization and one from a gaming regulatory organization. The gaming data is decrypted with two public keys, one from the gaming data authorization organization and one from the gaming regulatory organization.

Neither Martinek nor Rackman discuss or disclose the use of two private keys to encrypt gaming data or the use of two public keys to decrypt the data. Rather, Rackman simply teaches “to insure both privacy and authentication is for the transmitter to doubly encrypt the message with his private key and the receiver's public key, and for the receiver to doubly decrypt the message with his private key and the transmitter's public key.” (Col. 5, lines 67-68 through Col. 6, lines 1-3, emphasis added). Thus, Rackman teaches the use a first party's private key with the receiver's public key, and then doubly decrypt the message with a private and public key. In contrast, Claim 1 provides for the use of two private keys encrypt and two public keys to decrypt.

The Office Action cites several other prior art references such as Figs. 21 A,B of US patent 6,866,586, Figs. 1 and 2 of WO 01/06691, as well as others to show that the modification of Martinek and Rackman “would have been within the knowledge and skill of one ordinary skill in the art at the time the invention was made.” The Office Action further states that the prior art references teach that a “message is encrypted with A's public key and the clearinghouse's private key” or that “the message is first encrypted with a user's public key ... the message is again encrypted with the networks site's private key.” The prior art references do not teach the claimed invention as suggested by the Examiner. As stated above, Claim 1 claims that the encryption is performed using “a private encryption key of a gaming data authorizing organization and a private encryption key of a gaming regulatory organization” and the decryption is performed using “a public encryption key of said gaming data authoring organization and a public encryption key of said gaming regulatory organization.” On the other hand, the prior art

references cited by the Examiner use a public and private key to encrypt the data and not two private keys as claimed in the claimed invention. Should the Examiner maintain this rejection, it is respectfully requested that the Examiner cite specifically where, in the prior art references, does it show the use of two private encryption keys to encrypt data and two public keys to decrypt data.

Accordingly, since the combination of Martinek and Rackman do not teach or suggest all the claim limitations and the combination would not result in the claimed invention, it cannot be said to render the claimed invention obvious. As to dependent claims 2-5, 23-24, and 27-31, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. It is respectfully requested that this rejection be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant hereby petitions for an extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P551).

Respectfully submitted,
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